

## **COMMUNITY AFFAIRS COMMITTEE**

DATE: August 1, 2006

CALLED TO ORDER: 5:06 p.m.

ADJOURNED: 7:00 p.m.

### **ATTENDANCE**

#### **ATTENDING MEMBERS**

Greg Bowes, Chair  
Patrice Abdullah  
Rozelle Boyd  
Susie Day

#### **ABSENT**

James Bradford  
Ginny Cain  
Joanne Sanders

### **AGENDA**

#### **Public Hearing on Voter ID Law**

## **Community Affairs Committee**

The Community Affairs Committee of the City-County Council met on Tuesday, August 1, 2006. Chair Greg Bowes called the meeting to order at 5:06 p.m. with the following members present: Patrice Abdullallah, Rozelle Boyd, and Susie Day. Absent were Ginny Cain, Joanne Sanders, and James Bradford.

## **Public Hearing on Voter ID Law**

Chair Bowes stated that the reason for this meeting is to explain the new voting law and have constituents understand what the requirements are for voting.

Cody Kendall, Co-General Counsel, Indiana Election Division, stated that the 2005 Indiana General Assembly passed an election law that requires an individual to show photo identification (ID). Mr. Kendall reviewed a PowerPoint presentation in detail regarding the requirements of the photo ID law, which is attached as Exhibit A. Some of the key points of the presentation were:

- ID must be issued by the State of Indiana or the United States Government
  - \* Passport, Drivers License, or State issued ID
- ID must have voter's name and must be similar to the name on the voter's registration record
- ID must contain a photograph of the voter
- ID must include an expiration date showing that the ID has not expired or that it expired after the date of the most recent general election (for this year's election, it may be expired after November 2, 2004).

Mr. Kendall explained requirements regarding the name change of an individual who wants to vote. He stated that in the past, such a person could go to the polls and just cross out his or her name and put the new name above the old one and that would suffice a request to change the name on the voter registration. The Voter Registration office is charged with the duty of updating that information so it will match. Secondly, that individual would be given a regular ballot to vote. Mr. Kendall stated that the Election Division does not see a change with regards to the photo ID having an impact on the law.

Mr. Kendall stated that the photo ID requirement applies to an individual who votes in person at the polling place, or by absentee in the County Clerk's office. He also stated that the requirements do not apply to an individual who votes absentee by mail, traveling board, or in person on Election Day in a precinct where polls are located at a state licensed care facility where the voter resides.

Mr. Kendall stated that another issue concerning the ID law was whether a university ID would be a sufficient valid photo ID without the expiration date. He stated that a state supported college would be considered an agency of the state, and that ID would constitute a valid photo ID if it meets the four requirements of a valid ID. He said he expects state universities to include an expiration date on IDs issued in the future.

Mr. Kendall stated that issues pertaining to expiration dates exist with military and Congressional ID's that contain the word indefinite (INDEF). After looking at the definition,

the State Election Board determined that and “indefinite” expiration date does meet the requirements of an expiration date, so those military and congressional IDs meet the requirements. He also stated that the Indiana Election Division does not have enforcement powers, but tries to make sure that the election laws in Indiana are implemented uniformly.

Mr. Kendall stated that if an individual does not have a photo ID and wants to vote, the citizen will be entitled to vote using a provisional ballot. In order for that ballot to count, several things have to be done first. Step one is to obtain a valid photo ID and take it to the Clerk’s office within 10 days. Secondly, the individual must sign an affidavit at the Clerk’s office stating that he or she has either a religious objection to being photographed, or that he or she is indigent and cannot afford to get a photo ID.

Councillor Boyd asked if the presence of an expiration date invalidates the ID. Mr. Kendall answered in the negative, stating that the ID can be expired. However, that expiration can not be expired past the last general election.

Councillor Abdullah asked if a person is confined to a nursing home and registered somewhere else, will they be allowed to vote absentee by mail. Mr. Kendall stated that they will be able to vote by mail and it will not create a problem even though that person is living in a nursing home.

Chair Bowes asked if the person who changes his or her name and has gotten a different ID other than the one matching his or her voter registration, and goes through the process of signing his or her name to the poll book, will that person be allowed to vote a regular or provisional ballot. Mr. Kendall stated that the voter will be allowed to vote a regular ballot.

Chair Bowes asked where the memorandum handout came from, when it was prepared, and what the relationship is between Mr. Kendall and co-counsel, Dale Simmons. Mr. Kendall stated that the Election Division is a bi-partisan agency down the line from having Democrat and Republican co-directors to bi-partisan campaign finance directors. Mr. Kendall stated he is the Democrat lawyer for the State Election Board, and Mr. Simmons is his Republican counterpart.

Councillor Abdullah asked if Mr. Kendall could elaborate on the reason for putting the law into effect and if it has been challenged. Mr. Kendall stated that the proposed reason for Senate Bill No. 483 was for the purpose of protecting the integrity of elections. He also stated that there is a lawsuit pending challenging the law. One argument in the lawsuit that the law is a violation of the voting rights act and the other argument is that the law is a violation of equal protection. He stated that the case was dismissed on summary judgment in the Southern District Federal Court. However, since then, the plaintiffs have appealed that ruling to the Seventh Circuit and are awaiting a ruling.

Councillor Boyd asked what the process is for challenging a vote. Mr. Kendall stated that there are various reasons and sometimes it is on a case specific basis. However, if an individual’s address on his or her photo ID does not match what is on the voter registration record that could give a judge or inspector a reason to challenge that person even though

having an accurate address on their photo ID is not a requirement.

{Clerk's Note: Councillor Day left at 5:35 p.m.}

Chair Bowes asked what are some steps a person could take to make it easier when casting their vote. Mr. Kendall stated the best way would be to show a universally accepted ID, such as driver's license or an ID card issued by the Indiana Bureau of Motor Vehicles. He stated a voter should make certain all information on the ID is updated.

Chair Bowes asked if a person can get a photo ID from the Bureau of Motor Vehicles (BMV) free of charge. Mr. Kendall answered in the affirmative.

Councillor Boyd asked if a person has a voter registration card, would he or she still be required to present a photo ID. Mr. Kendall answered in the affirmative.

Councillor Boyd asked where Indiana stands in this process in relation to other states. Mr. Kendall stated that Indiana is one of the strictest states with regards to requirements for voting. Councillor Boyd asked if the information Mr. Kendall provided is accessible to the public. Mr. Kendall stated that the information is located on the Election Division's website under "general questions about voting."

Chair Bowes thanked Mr. Kendall for making his presentation. He stated that it was very informative and he appreciates the time that was put in to make sure the information will get out to the public.

Doris Ann Sadler, Marion County Clerk, stated that she agrees with Mr. Kendall's presentation and uses his services as a resource. Ms. Sadler handed out the instructions for the clerks, judges, and inspectors that are issued for the May primary and have not yet produced copies for the fall election. This should give some idea on what is provided to all poll workers in their training. Ms. Sadler stated that on page six of the inspector instructions, the photo ID section was added. She said that it is not as comprehensive because they have to train their workers on the machines, opening the polls, and all other things that need managing during the day, so they have to pick and choose the most important part. Ms. Sadler stated she completely concurs with Mr. Kendall's interpretation of what the law means when it requires the name on the ID to "substantially conform" to the name on the registration rolls, and in the video that is shown in training, there are examples. Ms. Sadler stated that the Clerk's office is trying very hard to communicate to the poll workers that they must use judgment when verifying the conformity of a person's name.

Chair Bowes asked if the Clerk's Office used the examples of the name conformity that the Election Division provided. Ms. Sadler answered in the negative. Mr. Kendall stated that their examples were issued on May 1<sup>st</sup>, and they did not know if they allotted them for all clerks throughout the 92 counties or if they had a chance to review or implement with the poll workers.

Chair Bowes asked if those examples will be something to incorporate into the training of the poll workers. Ms. Sadler answered in the affirmative, stating that the Clerk's Office will take a look at it and incorporate what they can, taking into account that the instructions are getting longer and longer and they have to use some judgment on how to keep the poll workers' attention.

Chair Bowes asked is there a way to get some help or guidance from someone on Election Day if problems arise regarding name issues. Ms. Sadler stated that there are inspector hotlines with a bi-partisan team of lawyers who work the phones. The inspectors can call in for machine trouble, talk with election board members, and resolve any number of other issues that may arise. Ms. Sadler stated that the job of the members is to resolve issues informally before a voter is refused a regular ballot.

Ms. Sadler went on to say that a voter should not sign the poll book until the voter has shown ID because the voter cannot leave the polling place to retrieve an ID. Chair Bowes asked if a person has already signed the poll book and then realized that he or she does not have an ID, does that voter use a provisional ballot, and how soon is the Clerk's Office available to take that voter's info. Ms. Sadler answered in the affirmative, stating that the voter can come to the Clerk's Office that same day with an ID.

Ms. Sadler went on to say that some of the problems that arise are with the volunteers and if there will be enough to cover those polling places. Ms. Sadler stated that poll worker shortage in Marion County is severe.

Chair Bowes asked how a voter will know the difference between a person who is officially in charge versus a challenger representing a political party or a candidate. Ms. Sadler stated that there are identification cards that are on lanyards, and each officer should be wearing them. They are made very big and colorful to identify themselves.

Chair Bowes asked what progress has been made from the recommendations that the City-County Council's Investigative Committee made back in 2004 regarding the polling places that were opened late. The recommendation was to examine the past history of inspectors who may have repeatedly opened the polls late. He also asked if they can be removed from the list. Ms. Sadler stated that the Election Board is not entitled to remove an inspector. The chairman of the appointing political party has the right to appoint anyone to the board. Ms. Sadler stated that usually when an inspector does not show up, he is not on the list for the next year and many times does not even volunteer again.

Chair Bowes asked what the response is when a polling place is not open. Ms. Sadler stated that the first response is to find out why it was not opened. If it is because the inspector does not have the kit, there are extras that can be sent to that polling place. If it is because the inspector has not arrived, there are back-up inspectors. The League of Women Voters provides ladies who are trained in advance that can come down to the election board and wait until they are dispatched to a polling place to get it opened.

Chair Bowes asked for the different dates for voter registration. Ms. Sadler gave the following dates:

- August 9<sup>th</sup>, absentee applications can be submitted
- September 28<sup>th</sup>, the Election Board may begin mailing ballots to voters who have applied to vote absentee
- October 9<sup>th</sup>, voter registration deadline
- October 10<sup>th</sup>, Election Board will be open to vote absentee from 8am-4:30pm M-F
- October 26<sup>th</sup>, begins the traveling boards for voters confined to their homes
- The two weekends prior to the election, the office will be open on Saturday and Sunday from 10am-5pm
- On November 6<sup>th</sup>, voters can come in to vote from 8am –noon.

Chair Bowes asked Ms. Sadler to explain some of the things on the Election Board's website. Ms. Sadler stated that the polling place locator is one of the good things on the site. She explained that all a voter has to do is put in his or her address, and it will pull up where to vote, what offices are running, and what district the voter is in.

Chair Bowes thanked Ms. Sadler for coming before the committee and providing very good and accurate information for the voters.

With no further business pending, and upon motion duly made, the Community Affairs Committee of the City County Council was adjourned at 7:00 p.m.

Respectfully submitted,

Greg Bowes, Chair  
Community Affairs Committee

GB/lw